

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RASHAD ALI, MINERVA ALI, MINERVA ALI, as  
Guardian over DANYAL ALI, MINERVA ALI, as  
Guardian over DANYAH ALI, infant, and MINERVA  
ALI, as Guardian over TANYAH ALI, infant,

Plaintiffs,

-against-

LECOURIUX G. YANNICK,

Defendant.  
-----X

**NOTICE OF MOTION FOR  
SUMMARY JUDGMENT**

Civil Action No. 07CV6010  
Judge Daniels/Magistrate

PLEASE TAKE NOTICE, that upon the annexed affirmation of David H. Mayer, Esq., dated July 30, 2008, Plaintiff's Statement Pursuant to Local Rule 56.1, and upon all of the pleadings and proceedings heretofore had herein, the undersigned will move this Court on August 28, 2008 at The United States Courthouse, 500 Pearl Street, Courtroom 15d, New York, New York 10007, for an order, pursuant to Rule 56(a) of the Federal Rules of Civil Procedure, granting plaintiff summary judgment on the issues of liability ONLY against the defendant and setting this case down for an immediate assessment of damages; and for such other and just relief as the Court deems just and proper.


This is a personal injury action.

Answering affidavits if any, are to be served in accordance with the time prescriptions set forth in the Federal Rules of Civil Procedure and Local Rule 6.1(b) of this court.

Dated: New York, New York  
July 30, 2008

Yours, etc.,

SACKS AND SACKS, LLP  
Attorneys for Plaintiffs

By:   
DAVID H. MAYER, ESQ.  
150 Broadway, 4th Floor  
New York, New York 10038  
(212) 964-5570

To:


SOL Z. SOKEL, ESQ.  
KELLY, RODE & KELLY, LLP  
Attorneys for Defendant  
300 Old Country Road, Suite 305  
Mineola, New York 11501  
(516) 739-0400

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK                     )  
  )ss.:  
COUNTY OF NEW YORK                )

Syreeta Benitez, being duly sworn, deposes and says that I am not a party to this action, is over the age of 18 years, and resides in the COUNTY OF KINGS, CITY AND STATE OF NEW YORK, and that on July 30, 2008 served the within, **NOTICE OF MOTION FOR SUMMARY JUDGMENT** and supporting papers on the following attorneys, at the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office within the State of New York:

SOL Z. SOKEL, ESQ.  
KELLY, RODE & KELLY, LLP  
Attorneys for Defendant  
300 Old Country Road, Suite 305  
Mineola, New York 11501  
(516) 739-0400

  
Syreeta Benitez

Sworn to before me this  
30<sup>th</sup> day of July 2008

  
NOTARY PUBLIC

YANG FUNG LEONG  
Notary Public, State of New York  
No. 01LE6136366  
Qualified in Kings County  
Commission Expires November 7, 2008